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09/929,223	08/13/2001	Eric Aubertin	1918/41	2133

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

NOTIFICATION DATE	DELIVERY MODE
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10/17/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@kenyon.com

Office Action Summary	Application No. 09/929,223	Applicant(s) AUBERTIN ET AL.	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33,34,36,37,40-55,57,58 and 61-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33,34,36,37,40-55,57,58 and 61-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Affidavit(s) and responses, filed 03/02/2007, with respect to the final rejections of 09/26/2006 have been fully considered and are persuasive. The final rejection of 09/26/2006 has been withdrawn.

Claim Status

2. Claims 33-34, 36-37, 40-58, and 61-77 are pending and rejected as below. Claims 35, 38-39, 56, and 59-60 have been canceled. The claims are broken into several groups:

4 method claims:

- 1) claims 33-34, 36-37, and 40-53,
- 2) claim 73,
- 3) claim 75, and
- 4) claim 77,

Note: claims 33-34, 36-37, and 40-53 appear to be broadest and will be examined first.

2 system claims:

- 1) claims 54-55, 57-58, 61-72 (same scope as method claim 33)
- 2) claim 76 (same scope as method claim 75)

1 computer program product claim:

- 1) claim 74 (same scope as method claim 73).

Art Unit: 3629

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 50-52 recites the limitation "the organization" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 33-34, 37, and 48-53, 54-55, 58, 69-72, 73, and 74, are rejected under 35 U.S.C. 103(a) as being unpatentable over www.donate.net in view of United Way Article (Article of Oct. 9, 1987).

As of 3/2/07, claim 33 is as below:

33. (Previously Presented) A method for conducting a fundraising campaign over a wide-area network, comprising the steps of:

(a) hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign;

(b) contacting third parties via electronic messages soliciting charitable donations; and c) providing one or more reports, on the website, including information on the status of the fundraising campaign.

Note: for convenience, letters (a)-(c) are added to the beginning of each step.

Similarly, **www.donate.net** fairly teaches a method for conducting a fundraising campaign over a wide-area network, comprising the steps of:

(a) hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign;

{see pages (2), 3, 5, 7, 8, 9, 11, 13, and 14)

(b) contacting third parties via electronic messages soliciting charitable donations; and

{see pages 5, 11}

c) providing one or more reports, on the website, including information on the fundraising campaign.

{see pages 2, 5, 7-8, 9, 11, and 13-14}

Www.donate.net fairly teaches the claimed invention except for missing a feature in step (c) of wherein the information in the report is about the status of the campaign.

United Way Article is cited to teach well known fundraising management parameters such as monitoring the progress/status of the campaign by providing information/report on the status of the fundraising campaign overall as well as from each campaign unit or participants {see page text on page 1}. It would have been obvious to modify the teachings of www.donate.net by including another well known fundraising management/monitoring parameter in the reporting step (c) of information on the status of the campaign as taught by United Way Article to effectively monitor the campaign and make the necessary adjustment to meet the goal as also taught by United Way Article:

"...But we have a long way to go, and the really tough fundraising is just beginning. It will require the concerted efforts of every volunteer, company chairperson and loaned executive to get us to our goal on time....".

Alternatively, it would have been obvious to modify the teachings of United Way Article by conducting the fundraising campaign over a wide-area network using a website as taught by www.donate.net to access more people or "millions of people" to do business, see page 3 *"...Today, millions of people are surfing the Internet and discovering a whole new way to get things done... conducting business on-line is here to stay... and it's huge".*

As for dep. claim 34 (part of 33 above), which deals with well known on-line fundraising parameter, i.e. receiving a donation, this is taught on page 3 of www.donate.net.

As for dep. claim 37 (part of 33 above), which deals with well known on-line fundraising parameter, i.e. information about a real time status of the campaign and tracking the progress of the campaign, these are taught in United Way Article page 1 and www.donate.net pages 5, 10-11 *"...updating, recording/record of the donation, ...".*

As for dep. claim 48 (part of 33 above), which deals with well known fundraising parameter, i.e. reporting information includes tax-related information, this is taught in www.donate.net page 11.

As for dep. claim 49 (part of 33 above) and claim 73, which deal with well known networking parameter, i.e. the wide-area is the Internet or web-based, this is taught in www.donate.net.

As for dep. claims 50-52 (part of 33 above), which deals with well known fundraising parameter, i.e. type of organization, this is non-essential to the scope of the claimed invention and is also taught in www.donate.net page 3,*any 501(c) 3 organization...*.

As for dep. claim 53 (part of 33 above), which deals with well known fundraising parameter, i.e. a person conducts the campaign, this is taught in United Way Article page 1, see "...T. Marshall Hahn Jr., 1987 United Way Campaign chairman...", or ...*"representatives from each campaign unit reported their current fundraising status to the campaign's chairman..."*.

As for independent system claim 54, which is merely the system to carry out the respective method claim 33 above, it's rejected over the system of www.donate.net /United Way Article or vice versa to carry out the rejections of the method claim 33 above.

As for dep. claims 55, 58, 69, 70, 71 and 72 (part of 54 above) which have the same limitations as in dep. claims 34, 37, 48, 52, 50 and 53 (part of 33 above), they are rejected for the same reasons set forth in the rejections of claims 34, 37, 48, 52, 50 and 53 above.

As for independent computer program product claim 74, which is merely the computer program product to carry out the respective method claim 33 above, it's rejected over the computer program product of www.donate.net /United Way Article or vice versa to carry out the rejections of the method claim 33 above. As for the limitation of registering of the participant, this is inherently in the teachings of www.donate.net on pages 9-11 to allow proper "donation confirmation" and "tax deductible amounts" for tax purpose.

9. **Claims 36 (method), 57 (system) are rejected** under 35 U.S.C. 103(a) as being unpatentable over www.donate.net /United Way Article or vice versa as applied to claims 33-34 (method) and 54-55 (system) above, and further in view of Schroeder et al (US patent 6,760,727).

The teachings of www.donate.net /United Way Article is cited above. As for dep. claims 36 and 57, which deal with donor/customer contact management, i.e. information in the report about third parties (customers) that have been contacted, in a similar method /system for customer contact management, Schroeder et al discloses the generation of a report (or list) of third parties (customers) that have been contacted so that the business entity or organization can manage and develop relationships with their customers, to increase sales and enhance business productivity, or develop/modify new products or services to meet the demand of the customer {see abstract, Figs. 11-19, col. 9, lines 1-55, cols. 28-30}. It would have been obvious to modify the teachings of www.donate.net /United Way Article to include information in the report about third

parties (customers) that have been contacted in a report/list as taught by Schroeder et al so that business entity or organization can manage and develop relationships with their customers, to increase sales and enhance business productivity, or develop/modify new products or services to meet the demand of the customer, as cited above.

10. **Claims 40-42, 44 (method), 61-63, and 65 (system) are rejected** under 35 U.S.C. 103(a) as being unpatentable over www.donate.net /United Way Article or vice versa as applied to claims 33-34, 37, and 48-53 (method) and 54-55, 58 and 69-72 (system) above, and further in view of FAO Schwarz Article (Article of July 31, 1997).

As for dep. claims 40-42, 44, 61-63 and 65, the teachings of www.donate.net /United Way Article is cited above. In another similar fundraising method, FAO Schwarz Article is cited to teach the well known concept of including in the fundraising campaign, other fun related events such as gala event and other special events such as entertainment, networking and athletic event (i.e. car racing), etc. {see pages 1-2}. It would have been obvious to modify the teachings of www.donate.net /United Way Article to include other well known events besides fundraising event such as gala event, entertainment event, athletic event, etc. as taught by FAO Schwarz Article as mere adding other fun/excited events besides fundraising to inherently attract more participants.

11. **Claims 40 and 44 (method) and 61 and 65 (system) are rejected** (2nd time) under 35 U.S.C. 103(a) as being unpatentable over www.donate.net /United Way Article

or vice versa as applied to claims 33-34, 37, and 48-53 (method) and 54-55, 58 and 69-72 (system) above, and further in view of High Hurdles Article (Spring 1996).

As for dep. claims 40, 44, 61 and 65, the teachings of www.donate.net /United Way Article is cited above. In another similar fundraising method, High Hurdles Article is cited to teach the well known concept of including in the fundraising campaign, other fun related events such as athletic event {see pages 1-2}. It would have been obvious to modify the teachings of www.donate.net /United Way Article to include other well known events besides fundraising event such as athletic event, etc. as taught by High Hurdles Article as mere adding other physical challenge events besides fundraising to inherently attract more participants.

12. Claims 43 (method) and 64 (system) are rejected under 35 U.S.C. 103(a) as being unpatentable over www.donate.net /United Way Article or vice versa as applied to claims 33-34, 37, and 48-53 (method) and 54-55, 58 and 69-72 (system) above, and further in view of Fundraising Auction (Article of April 15, 1988).

As for dep. claims 43 and 64, the teachings of www.donate.net /United Way Article is cited above. In another similar fundraising method, Fundraising Auction teaches well known concept of including in the fundraising campaign, other interested event such as sell-a-thon wherein merchandises are sold for the benefit of the fundraising campaign to raise significantly more money for the campaign {see pages 1-2}. It would have been obvious to modify the teachings of www.donate.net /United Way

Article to include other well known events besides fundraising event such as sell-a-thon as taught by Fundraising Auction as mere adding other event to raise significantly more money for the campaign.

13. Claims 45, 47 (method) and 66 (system) are rejected under 35 U.S.C. 103(a) as being unpatentable over www.donate.net /United Way Article or vice versa as applied to claims 33-34, 37 and 54-55, 58 above, and further in view of McBrearty (Article of December 1986).

As for dep. claims 45 and 66, the teachings of www.donate.net /United Way Article is cited above. In another similar fundraising method, McBrearty discloses a key fundraising telemarketing feature for maximum benefit which is "personalization" wherein the emphasis of the fundraising will shift from "please send money" solicitation appeal to a "be an intimate part of my campaign" solicitation appeal (or be an intimate part of the solicitor's campaign) {see pages 71, 72, 75 left column}. It would have been obvious to modify the teachings of www.donate.net /United Way Article to provide a personalized donation page for a solicitor as his/her personal fundraising campaign as taught by McBrearty since this is a new trend or feature for obtaining more donation or contribution because it's personal.

As for dep. claims 47 and 68, which deals with incorporation of the personalized donation page into the website of an organization conducting the fundraising campaign, the teaching of incorporation/link of web pages or sites using banners or icons or your

organization's logo to access additional information or carry out certain task on the web such as making a donation or to access your site is fairly taught in www.donate.net pages 3, middle paragraph, page 7, 1st paragraph, page 8 1st paragraph, page 9, 1st paragraph.

14. Claim 46 (method), 67-68 (system) are rejected under 35 U.S.C. 103(a) as being unpatentable over www.donate.net /United Way Article or vice versa/McBrearty as applied to claims 33-34, 37, 45 and 54-55, 58, 66, and further in view of Bobo, II or WO 99/53657.

As for dep. claim 46 (part of claim 45/33 above) and 67 (part of claim 66/54 above), which deal with a feature of the electronic message (e-mail), including a link (connection) to the personalized donation page, the teaching of www.donate.net /United Way Article/ McBrearty is cited above but this fails to teach the feature of the e-mail includes a link (connection) to the personalized donation page. Bobo, II is cited to teach an Internet communication system comprises a web page source/generator which converts incoming data into web pages and e-mail generation and the e-mail contain links (connection or anchor or reference) to the web page source /generator to inherently allow quick connection to the desired information/source (see Fig. 6 and especially Fig. 7 with links "NetOffice, Inc.", "Next Page", "Return to Fax Listing", or "NetOffice, Inc", col. 5, lines 1-22, col. 8, lines 1-30, col. 9, lines 1-27, col. 10, lines 25-65, col. 12, lines 1-60). It would have been obvious to modify the generated e-mail of www.donate.net /United Way Article/ McBrearty a link (connection or anchor) back to

the personal donation page (generator) as taught by Bobo, II to inherently allow quick communication to the desired information/source.

Similarly, WO 99/53657 is cited to teach an Internet communication system comprises a web page source/generator which converts incoming data into web pages and e-mail generation and the e-mail contain links (connection or anchor or reference) to the web page source /generator to inherently allow quick connection to the desired information/source (see Fig. 1). It would have been obvious to modify the generated e-mail of www.donate.net /United Way Article/ McBrearty a link (connection or anchor) back to the personal donation page (generator) as taught by WO 99/53657 to inherently allow quick communication to the desired information/source such as the original web page generator.

As for dep. claim 68, which deals with incorporation of the personalized donation page into the website of an organization conducting the fundraising campaign, the teaching of incorporation/link of web pages or sites using banners or icons or your organization's logo to access additional information or carry out certain task on the web such as making a donation or to access your site is fairly taught in www.donate.net pages 3, middle paragraph, page 7, 1st paragraph, page 8 1st paragraph, page 9, 1st paragraph.

15. Claims 75 (method), 76 (system), and 77 (method) are rejected under 35 U.S.C. 103(a) as being unpatentable over (1) www.donate.net , (2) United Way Article or vice versa, (3) McBrearty and (4) Bobo, II or WO 99/53657.

Claims 75, 76 and 77 have similar limitation as in dep. claim 46 (part of method claim 45/33 above) or 67 (part of system claim 66/54 above), and are rejected for the same reason set forth in the rejection of claim 46 or 64 cited above to avoid copying of duplicate rejections.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US patents 5,771,355 by Kuzma and 5,903,723 by Beck et al, are cited to teach the benefits or linking items/features in the recipient's mail page for the benefits of effective communication between two users to conserve network communication bandwidth, resources and memory storage devices (less overloading) {see the Background of the invention}. These references are similar to the teachings of Bobo, II or WO 99/53657 and cited here for applicant's awareness of potential use in the future if needed.

No claims are allowed.

Art Unit: 3629

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

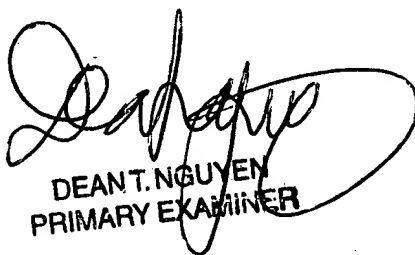
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
October 8, 2007


DEAN T. NGUYEN
PRIMARY EXAMINER